

**Commission for Mental Health Developmental Disabilities and Substance Abuse Services**

**Minutes of Commission Meeting**

**August 25, 2003**

**Holiday Inn North, Raleigh, NC**

**Commission Members Present:**

Pender McElroy (Chair), Dorothy Crawford, Pearl L. Finch, Ann Suggs, Paul Gulley, Fredrica Stell, Donald Stedman, Bernard Sullivan, Ellen Holliman, Marvin Swartz, Martha Martinat, Lois Batton, Mansfield Elmore, Lou Adkins, George Jones, Judy Lewis, William Sims, Emily Moore, Floyd McCullouch, Pat Chamings, Anna Scheyett

**Commission Members Absent:**

Martha Macon (excused), Albert Fisher (excused) Jeanne Fenner (unexcused), Joe Coulter (unexcused), Ken Gerrard (unexcused), Raymond Reddrick (unexcused)

**Division Staff Present (DMH/DD/SAS):**

Rich Visingardi, Director

Tara Larson, Deputy Director

Don Willis, Chief, Administrative Support

Peggy Balak, Team Leader, Division Affairs

Cindy Kornegay, APA Rulemaking Coordinator, Division Affairs

Susan Collins, Division Affairs

Amy Smiley, Division Affairs

**OTHERS PRESENT:**

Jack Blackley (DMH/DD/SAS), Chris Phillips (DMH/DD/SAS), Flo Stein (DMH/DD/SAS), Marilyn Brothers, (DMH/DD/SAS), Steven Hairston (DMH/DD/SAS), Jim Jarrard (DMH/DD/SA), Spencer Clark (DMH/DD/SAS), Bert Bennett (DMH/DD/SAS), Lisa Haire (DMH/DD/SAS), James Osberg (DMH/DD/SAS), Jeff Horton, (DFS), Carol Duncan Clayton (NC Council), Sally Cameron (NC Psychological Association), Louise Fisher (Advocate Mental Illness MHA of NC), Bill Duffy (Success Inc.), Bob Hedrick (CNC/Access), David Swann ((Crossroads), Charles Franklin (Albemarle), Diane Pomper (Attorney General's Office), Mike Mayer (NC Community Support Provider), Norman Cordell (Jacksonville), John Tote (Mental Health Association), Joanne Peterson (Sandhills/Randolph), Ann Laughlin (Albemarle), Charlene Allen (Albemarle), William Wainwright (NC House), Yvonne Bicci (GACPD), Jean Farmer-Butterfield (NC House), Hugh Holliman (NC House), Tony Mulvihill (ADCNC), Robin Huffman (NC Psychiatric Association), Kay Flaminio (NAMI NC) and John Crawford (Visitor/Macon County)

**Handouts:**

Agenda, Commission Minutes of May 27, 2003, Special Called Advisory Committee Minutes of June 12, 2003, Rules Committee Minutes of July 9, 2003, Advisory Committee Minutes of July 10, 2003, Rule Tracking Report, Draft Mission Statement Revision/Commission, Proposed Statement of Support for the Mental Health Redesign Initiative, Mission Statement Revisions and Amendments made by the Advisory Committee, Repeal of Specified Confidentiality Rules, Piedmont Behavioral HealthCare

Letter of Withdrawal of Rule Waiver Requests, Albemarle Area MH/DD/SAS Request for Waiver, NC Division MH/DD/SAS 2003 Overview, Operationalizing the State Plan Implementation of Mental Health Reform-A Guide for the Citizens of North Carolina, Legislative Report (Bill Tracking), Statement and Recommendations on the Issue of Housing, Early Intervention Website

### **Call to Order**

Pender McElroy, Chairman, called the meeting to order at 9:30 am.

### **Approval to Minutes**

Fredrica Stell made a motion to approve the Minutes of the May 27, 2003 Commission Meeting. Emily Moore seconded the motion and it passed unanimously.

### **Chairman's Report**

Mr. McElroy updated the Commission on several issues.

### **Commission/Division Leadership Meeting**

Members were given an overview of the Commission/Division Leadership meeting held on July 10, 2003. Mr. McElroy noted that as a result of that meeting, beginning in November, the Division would provide a series of information sessions on the major components of mental health reform. He stated the Leadership meetings were creating better communication between the Division and the Commission and they would continue as scheduled following the Rules Committee meetings each quarter.

### **Reimbursement/Direct Deposit**

Members are permitted to sign up for direct deposit for reimbursement of expenses. A form was provided to fill in and return to the Division Staff for all interested persons.

### **Follow-Up from Ethics Office**

All Commission members except for three have 2003 Ethics form on file. It was reported that the Ethics Office only sends one evaluation letter in response to the original statement of economic interests and letters are not sent in response to the annual updates unless there is a change in the findings resulting from new information submitted.

Division staff will be getting with the members who do not have a 2003 form on file to assist in getting the files current.

### **Follow-Up Appointments**

Three Commission members were reappointed to the Commission by the Governor. They are: Dorothy Rose Crawford, Paul Gulley and Martha Martinat.

The Appointments Bill did not pass the General Assembly, so all members appointed by the House and Senate last session continue to serve until new appointments are made.

Since the amendment of GS 143B-148 with the establishment of different categories of representation for Commission members, it is important to have an up-to-date resume or biographical sketch on file and members who do not have a current one on file are requested to submit one to staff.

### **Guest from the House of Representatives**

Bernard Sullivan introduced Representative William Wainwright, Chair of the House Finance Committee. Representative Wainwright spoke to the Commission on the need to improve services across the state.

### **Advisory Committee Report**

Don Stedman presented the Advisory Committee Meeting Report of the July 10, 2003 meeting. (Refer to Minutes included in the packet.)

### **Mission Statement**

Don Stedman made a motion to approve the Mission Statement as revised by the Commission. Ellen Holliman seconded the motion. The motion passed with one opposed.

### **Redesign Resolution**

Don Stedman presented the Resolution in support of the Redesign Initiative as adopted by the Advisory Committee. He moved that the Commission accept the resolution. Martha Martinat seconded the motion and it passed unanimously.

### **Housing**

Dr. Stedman reported on the presentation on Housing given at the July meeting of the Advisory Committee. A Sub-Committee on Housing of the Advisory Committee was asked to further study the issue and make recommendations for future work back to the Commission. Dr. Stedman discussed the comments from the Sub-Committee and presented their Draft Recommendations (handout) on Housing.

A discussion on housing ensued.

- Questions were raised about the housing specialist positions around the state, where they can be found within the area programs and how they were funded. Judy Lewis encouraged all members to meet with their housing specialist before the next meeting.
- Pearl Finch suggested collaboration with the Mental Health Planning Council on housing.
- Don Willis noted that a Study Committee developed a comprehensive housing plan approximately five years ago. Bert Bennett informed the members that Housing Works is working to implement the housing plan – leveraging funds and working on grants.
- Lou Adkins said the NC Housing Finance committee will work with the Commission.
- Members suggested a statewide lecture series on housing.

Dr. Stedman made a motion to approve the Advisory Committee's Report with the Sub-Committee's recommendations on housing, dated August 12, 2003. The Chair asked the Division to work with the Advisory Committee on an implementation plan to be reviewed for approval at the November 24<sup>th</sup> meeting. Marvin Swartz seconded the motion. All approved.

Dr. Swartz inquired about the draft resolution on the sale of the Dorthea Dix Hospital property that had come to the Commission in May from the Advisory Committee. This

resolution had been returned to Committee. Mr. McElroy requested that this be placed on the October Advisory Committee agenda and that the Committee bring a written proposal back to the November Commission meeting.

### **Rules Committee Report**

Floyd McCullouch presented the report of the Rules Committee Meeting of July 9, 2003. (Refer to the Minutes of the meeting.)

### **Piedmont Withdrawal for Waiver Request**

Mr. McCullouch announced the withdrawal by Piedmont Behavioral HealthCare of their waiver requests. He stated that this request would be re-submitted to the Rules Committee at a future date. (Refer to letter in packet from Piedmont.)

The Rules Committee also took action with respect to the two items to follow on the Commission's agenda: a request to waive rules by Albemarle Area Authority and an appeal of Confidentiality Rules.

### **Albemarle MH/DD/SAS Request for Waiver for Rule Requiring Partial Hospitalization**

Cindy Kornegay reviewed the information in the members' packet on the waiver being requested by Albemarle Area Authority. She introduced Ann Laughlin of Albemarle MH/DD/SAS Center to present their request.

Ann Laughlin presented Albemarle's reasons for the request and their desire to make services more dynamic with a focus on flexibility. She expressed the need to have people coming back into the community quicker than a year ago.

Bert Bennett gave the Division response to the request for the waiver by the Albemarle Area Program. He announced that with the additional service hours Albemarle will be making available and the further explanation provided by Ann Laughlin, the Division no longer opposes the request.

Ms. Laughlin noted that the Area Authority would be compiling data with respect to the change in services resulting from the waiver and would be pleased to share that assessment with the Commission in six months as discussed in the Rules Committee. It was noted that this does not provide a time limit on the waiver itself. Following the discussion, Mr. McCullouch moved to approve the waiver as requested. The motion was seconded and passed unanimously.

### **Guest from the House of Representatives**

Judy Lewis introduced Representative Jean Farmer-Butterfield stating her background is in mental health and developmental disabilities. Ms. Farmer-Butterfield made a brief statement telling the members that she is a strong advocate for mental health services and wishes to be kept abreast of issues important to the Commission. She looks forward to working with the Commission.

Mr. McElroy introduced Representative Hugh Holliman from Lexington. Mr. Holliman spoke of the work on the reform bill and how it is moving forward. He discussed the

mental health parity bill that did not pass and hoped that the Commission would support the continued effort to pass parity legislation.

Mr. McElroy applauded Rep. Holliman's efforts on behalf of parity. He also thanked Judy Lewis for all of her efforts to have legislators come to the Commission meeting.

### **Recommendations to Repeal Confidentiality Rules Documentation of Release and Disclosure**

Marilyn Brothers explained the reason for the request to repeal the rules (handout included in packet). She informed the members that these specific state rules exceed HIPPA requirements and do not provide any additional safeguards. Complying with both HIPPA and these rules will require additional work by local programs for no added value.

Mr. McElroy brought the recommendation of the Rules Committee before the Commission to consider. Mr. McCullough made a motion to approve the recommendation of the Rules Committee to repeal these rules. Dorothy Crawford seconded the motion. The motion passed unanimously.

### **Director's Report**

Rich Visingardi gave the Director's Report, opening with an overview of the foundations of reform:

1. Enhancing the lives of people with disabilities in their communities.
  - Person Centered Planning
  - Consumer/Family Advisory Committees
  - Customer Services capacity at state and local level
  - Consumers involved in policymaking and as employees of the system
2. Creating positive outcomes for people with disabilities and their communities.
  - Best practices as guides
  - Continuous Quality Improvement
3. Building community capacity
4. Creating an unbroken chain of accountability
  - State/Division
  - LME
  - Provider

Dr. Visingardi continued his report with updates from the Division:

- Much of the feedback from the State Plan 2003 has been incorporated into the Operations Plan and the Division will be getting a summary of that information out to the field.
- The Division will continue to use the Communications Bulletin format.
- The recently completed Child Mental Health Plan more discretely defines the steps necessary to move forward to create a comprehensive community system for this population. This plan outlines what steps must be taken to develop a comprehensive community system that must be in place before facilities like Whitaker School can be closed.
- The Service Definitions are being finalized and will be implemented by July 2004.

- The LME cost model is reaching its final version and defines the negotiation parameters between the Division and the LMEs.
- A key component of re-organization is building infrastructure for the Division. Groups that have been established to support the work of the Division include: 1) Advocates to work with State Operated Services focusing on community capacity needs; 2) Public Policy Workgroup focuses on accountability issues of the state and local public systems; 3) External Stakeholders Group will be ongoing to review products from State Operations Plan; and 4) State Consumer/Family Advisory Committee will work with Advocacy and Customer Services.

In response to a question about the Cherry Hospital investigation, Dr. Visingardi agreed to send the Commission information published by the Department to them as public information.

Dr. Visingardi reported that Phase I LMEs have been in ongoing discussions with the Division on transition funding to facilitate the movement to the LME system. Budget and Finance Section of the Division is accepting requests for transition funds from local programs which are considered on a case-by-case basis.

Regarding the questions about the planning process of the new hospital, Don Willis said it is of a prototype. He suggested giving the overview of the slide presentation at the November Commission meeting. Ground breaking should be around next August or next fall.

There was some discussion on the psychiatric hospital bed day allocation and the need to review policy on charges from hospitals. Anyone with concerns about the formula or its impact on specific local programs is encouraged to bring their concerns to the Division Staff.

Mr. McElroy expressed his appreciation of the work done with the Division and Commission by Marilyn Brothers over the years.

#### **Mental Health Association Perspective on Mental Health Reform**

Mr. McElroy introduced John Tote, Executive Director of the Mental Health Association of North Carolina, to present an overview of the Association and its perspective on mental health reform.

Mr. Tote explained his background and explained how his association with its advocate perspective has grown into an organization that also provides a significant amount of direct service. He announced the 90<sup>th</sup> anniversary of his organization. He expressed that the part of advocacy is the foremost important thing for consumers. He expressed concern that there was not sufficient non-profit organizational capacity to provide the amount of services that will be necessary in the envisioned LME system. In addition, he stated that one of the biggest challenges facing the mental health system today is its capacity to maintain people in community and avoiding the trans-institutionalization into the criminal justice system.

### **NAMI Perspective on Mental Health Reform**

Mr. McElroy introduced Kay Flaminio of NAMI-NC to give her perspective on mental health reform. Ms. Flaminio informed the members of the Commission that the relationship between the criminal justice system and the mental health system is the biggest problem faced in North Carolina. There is a need for acute care facilities during this reform period. She provided the Commission with an overview of her much younger organization and highlighted its family-member orientation and its ever-growing training and education programs.

### **Operations Plan**

Mr. McElroy introduced Steven Hairston, Chief of the Division's Planning Team, to present a report on the Operations Plan. Mr. Hairston provided an overview of the Operations Plan (handout attached) to the Commission and explained the four major categories under which all of the work to be completed is organized.

### **Legislative Report**

Peggy Balak gave a legislative report and presented a list of bills ratified since the May Commission meeting. She introduced Amy Smiley of the Division Affairs Team who will be working on the Division's Legislative Report of the 2003 Session that will be forthcoming. Ms. Balak reported that Division staff will be working with the Commission to coordinate and collaborate on future legislative issues.

### **New Business**

Dorothy Crawford informed the members of the upcoming conference on "Aging with Grace" about Alzheimers, sponsored by the Western Carolina University. It will be November 3, 4 and 5 in Hendersonville, NC.

Judy Lewis wishes to have the Legislative Committee Meeting meet during the lunch period at the November Commission meeting.

Commission members were reminded to get their direct deposit forms and bios/resumes to Susan Collins or Peggy Balak as soon as possible.

Chris Phillips, Chief of the Advocacy and Customer Services Section of the Division, talked to the members about the new focus on customer service and consumer empowerment in the Division. He explained the functions and organizational structure of his Section.

### **Public Comments**

Ms. Louise Fisher (an advocate for the mentally ill) expressed concerns about funding and the lack of confidence the advocacy community has that funds currently supporting services to the mentally ill will continue to be available as people move from hospitals to communities. She also announced the annual Walk for Hope to support services and research in the field of mental illness. She passed out the brochure for signing up for the walk.

### **Adjournment**

There being no further business to come before the Commission, by unanimous consent the meeting was adjourned at 3:30 pm.